

8e. Historic sites: Non-tribal

Historic properties review avoids adverse effects

One commenter (0223) provided assurance that historic and cultural resources in the state will be protected if Florida takes over the Section 404 Program. The commenter explained that FDEP has an agreement with the State Historic Preservation Officer (SHPO) that outlines the “historic properties review” which assesses potential effects on historic properties from pending 404 permit applications. The commenter pointed out that the state also has regulations to ensure all activities, including Section 404 permitting, require a “no effect” or “no adverse effect” determination by the SHPO before a permit is authorized, and immediate ceasing of work and consultation if unanticipated discoveries are made during construction. The commenter also explained that the collaborative consultation process includes tribes, local governments, applicants, and the public, and is designed to complement established procedures for permit processing and public notice under the State 404 Program.

Protection of historic or culturally important places is inadequate or unclear

One commenter (0220) expressed concern that it is unclear how state assumption will impact the level of federal review needed to protect historic and cultural resources. Another commenter (0456-A1) stated that the change does not adequately protect historic or culturally important places.